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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,055	03/15/2002	Yin-Chun Huang	112.P14202	4786

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BERKELEY LAW & TECHNOLOGY GROUP, LLP  
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EXAMINER
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LEE, CHEUKFAN

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/063,055

Applicant(s)

HUANG ET AL.

Examiner

Cheukfan Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-9, and 19-26 is/are allowed.
- 6) ☒ Claim(s) 10, 11 and 18 is/are rejected.
- 7) ☒ Claim(s) 6 and 12-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. Claims 1-26 are pending. Claims 1, 10 and 19 are independent.
2. Applicant is reminded of the improper claim of foreign priority filed with the Combined Declaration and Power of Attorney (the older one) on March 15, 2002. An "x" is placed under "No" in the claim form. No foreign priority data has been picked by the Initial Application Examination Branch.
3. The indicated allowability of claims 10, 11 and 18 in the Office Action dated August 3, 2006 is withdrawn in view of the newly discovered reference(s) to Katogi (Japanese Publication No. 10-285336), published October 23, 1998, even though the Notice of Allowability is no longer valid due the RCE filed Nov. 2, 2006. Rejections based on the newly cited reference(s) follow.
4. Claim 6 is objected to because of the following:  
  
In claim 6, "the elastic element" lacks antecedent basis. The basis is set forth in claim 4, not claim 1 on which claim 6 depends.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 10, 11 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Katogi (Japanese Publication No. 10-285336). A machine translated English version of the publication is attached.

Regarding claims 10 and 19, Katogi discloses all subject claimed. Shown in Figs. 3 and 5-7, the apparatus of Katogi comprises optical elements (4-6), disposed in an outer casing (main body frame 1), to transmit scanned objects in an optical path, a carrier chassis (30 in Fig. 5) coupled to the outer casing (1) and comprising a document platform (30b), and an adjusting element (32) disposed on the carrier chassis (30) and adapted to adjust a position of the carrier chassis (30) with respect to the outer casing (1) to change the optical path (Figs. 1 and 5-7, paragraphs 0013-0016).

Regarding claim 11, a through-hole (30a) formed on the carrier chassis (30) is adapted to receive the adjusting element (32).

Regarding claim 18, the document platform (30) is substantially formed from transparent material (glass 30, paragraph 0013).

7. Claims 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 1-5, 7-9, and 19-26 are allowed.

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9. Claim 6 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is an examiner's statement of reasons for allowance:

Claim 1 and its dependent claims 2-9 are/would be allowable because the closest prior art Katogi (JP publication No. 10-285336) does not disclose that an engagement element, with which the adjusting element (screw) engages, is formed on the outer casing (1), the adjusting element disposed through the through-hole (30a) of the carrier chassis (30 in Fig. 5).

Claim 12 would be allowable because similarly to the reason given to claim 1, Katogi (JP 10-285336) does not disclose that an engaging element adapted to engage with the adjusting element (32) is formed on the outer casing (1). See Katogi, Figs. 5-7.

Claim 13 would be allowable because Katogi (JP 10-285336) does not disclose that a side of the carrier chassis (30) is hinged to the outer casing (1), although the carrier chassis is attached to the outer casing with element 45 (Fig. 7).

Claims 16 and 17 depend on claim 13.

Claims 14 and 15 would be allowable because Katogi does not disclose an elastic element coupled to the carrier chassis (30) and adapted to push against the outer casing (1).

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Claim 19 and its dependent claims 20-26 are allowable because, similarly to the reason given for claim 1, Katogi (JP 10-285336) does not disclose that a latching structure engaging the adjusting element (32) is formed on the casing (1), the adjusting element disposed through the through-hole (30a) of the document platform (30b) (Figs. 3 and 5-7).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada et al. (Japanese Publication No. 56-072459, or JP 56072459A),  
"Position adjusting device for original table glass"

Takahashi (Japanese Publication No. 2001-235814, or JP 2001235814A),  
"Document mount glass bending preventing apparatus I image scanner"

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee  
February 16, 2007